

REMARKS/ARGUMENTS

Claims 1-13 are pending in the present application. Claims 1, 2, 4, 8 and 11-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bevins (USPN 2,544,976) in view of Hitchcock et al. (US Patent Publication No. 2002/0179145). Claims 1, 3, 5, 8, 9 and 11-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bevins in view of Bhadra et al. (USPN 4,840,112). Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bevins in view of Hitchcock et al. as applied to claims 1, 2, 4, 8 and 11-13 as above and further in view of Moutafis et al. (US Patent Publication No. 2002/0176788). Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bevins in view of Hitchcock as applied to claims 1, 2, 4, 8 and 11-13 as above and further in view of Hoxie (USPN 6,378,413). Claim 10 is rejected under 35 U.S.C. § 103 (a) as unpatentable over Bevins in view of Hitchcock as applied to claims 1, 2, 4, 8 and 11-13 as above and further in view of Breveglieri (USPN 5,967,018). Applicant respectfully traverses all rejections.

Independent claim 1 has been rejected over Bevins in view of Hitchcock. Applicant asserts that a combination of the prior art references would not result in the invention as claimed. Specifically, amended claim 1 has been amended to require "a first electro-energized field generating element associated with the first fluid passage" and "a second electro-energized field generating element associated with the second fluid passage." Bevins fails to teach these limitations as stated by the Examiner, "Bevins fails to teach the inclusion of fluid passages containing electro-energized field generating elements." (Office action, page 2). Thus, the Examiner uses both Hitchcock and Bhadra to cure Bevins.

Hitchcock does not cure Bevins as Hitchcock does not teach first and second electro-energizing field generating elements associated with a first fluid passage connected to a cylinder bore and the second connected to a second fluid passage connected to that bore. Instead Hitchcock teaches a cylinder 128 that receives a piston 130 that has first and second hoses 114 and 116 that connect to an MRF control valve to actuate piston 130. (Col. 4, lines 19-31). Hitchcock does not teach either of the hoses 114, 116 associated with a second electro-energized field element to drive the piston in the manner provided in claim 1. Thus, a combination of Bevins and Hitchcock would not result in a positive displacement piston unit having both first and second electro-energized field generating elements wherein the first element is associated with the first fluid passage and the second element is associated with a second fluid passage. Consequently, the obvious rejection is considered overcome.

Claim 1 additionally has been rejected over Bevins in view of Bhadra. Claim 1 has been amended to require "wherein the pistons are arranged in an axial configuration." This limitation has been taken from claim 6 and as such, claim 6 has been cancelled. The Examiner did not reject claim 6 over Bevins in view of Bhadra and thus Applicant considers the amending of claim 6 into claim 1 as overcoming this rejection.

Dependent claims 14 and 15 additionally have been added to the prosecution. Claim 14 adds the limitation of an inlet fluidly associated with the first electro-energized field generating element and the piston such that when the piston reciprocates, fluid outside a bore passes from the inlet through the electro-energized field generating element to the first fluid passageway and into the bore. Claim 15 adds the

limitation of further comprising an outlet associated with the second electro-energized field generating element such that fluid passes from the bore through the second fluid passage to the second electro-energized field generating element to the outlet. Both claim limitations are considered to overcome the Hitchcock reference by further emphasizing the dual electro-energized field generating element arrangement to provide the operation of the present invention. Consequently Applicant asserts that even if claim 1 is not considered patentable in view of the prior art Applicant considers claims 14 and 15 patentable.

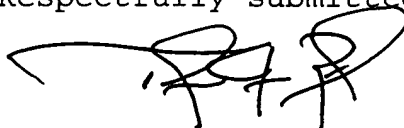
In light of the above arguments Applicant considers at least independent claim 1 allowable subject matter. Additionally, dependent claims 2-5 and 7-15 depend on claim 1 and for at least this reason are also considered in allowable form. Thus, Applicant respectfully requests allowance of all claims.

CONCLUSION

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. J. Zarley', with a large, sweeping flourish extending to the left.

Timothy J. Zarley

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